
Appeal Decision

Site visit made on 24 October 2016

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 November 2016

Appeal Ref: APP/X5990/W/16/3156133

5 Charles Lane, London NW8 7SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Callis against City of Westminster Council.
 - The application Ref 16/04475/FULL, is dated 13 May 2016.
 - The development proposed is partial roof extension and alterations to the street elevation.
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Decision

1. The appeal is dismissed and planning permission for partial roof extension and alterations to the street elevation is refused.

Background and Main Issue

2. The appeal follows the failure of the Council to give notice of its decision on the application within the prescribed period. The Council has supplied a draft decision notice and a statement of case in respect of this appeal. Consequently, I consider that the main issue in this appeal is the effect of the proposed development on the character and appearance of the St John's Wood Conservation Area.

Reasons

3. The appeal dwelling occupies a prominent corner position on Charles Lane, a thoroughfare that runs roughly perpendicularly from St John's Wood High Street, which comprises a mixture of terraced mews houses of between two and two and a half storeys, and single-storey garages. The mature trees in the back gardens of St John's Wood Terrace, including the one immediately to the rear of the appeal property add a verdant, leafy character to the lane. Of unusual detailing, the appeal property has a façade that curves around to follow the bend of the lane, with a hipped roof behind a parapet wall, which at the top of the curved section is angled to hide the pitched roof behind it. Faced in brick, this curved element of the building meets a rendered elevation of the building's central bay, which is orientated so that it addresses St John's High Street, and is prominent in views from that road. The appeal dwelling is considerably taller than the other dwellings that fringe Charles Lane adjacent to its junction with St John's Wood High Street.
 4. The proposed development comprises an upwards extension to the central bay of the property with the rendered front wall. It would be flat roofed, and
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extend above the ridge line of the existing roof to a considerable degree. The extension's walls would be faced in brick, with render on the element above the elevation that faces St John's High Street. A large painted steel window assembly would be inserted at first floor and extend to above the eaves level of the host dwelling, slightly higher than the apex of the existing pitched roof. The doorway would be remodelled with a fanlight inserted. The sloping element of the parapet wall atop the dwelling's curved elevation would be reduced in height to reflect the line of the parapet elsewhere on the building.

5. Whilst the property is described as having a neutral contribution to the character of the Conservation Area within the *St John's Wood Conservation Area Audit* ('the Audit') it is also identified as a dwelling where a roof extension would not normally be permitted. Moreover, the property and the mature tree beyond it are prominent in views from St John's Wood High Street; and the intimate composition of the lane, and generally smaller scale of its properties are a pleasing contrast with the wider highway and more formal terraces of the High Street. The adjacent tree also imparts a verdant setting which contributes strongly to the conservation area's wider arcadian and leafy character and thus its overall townscape significance.
6. Whilst I am aware that the proposed development would have less mass and bulk than a previously refused scheme at the site, due to its excessive scale, and the amount of walling proposed, it would read as a dominant addition that would not be subservient to the proportions of its host dwelling. Moreover, the planar forms of the proposed walling would stand in a stark and discordant contrast to the elegantly curved brickwork of the appeal dwelling's elevation as it turns the corner on Charles Lane. The proposed development's incongruity would be exacerbated by its unusual plan form, its flat roof and its siting between elements of the existing pitched roof which are proposed to remain. Thus taken together, these aspects would result in a development with an uncomfortable and visually harmful relationship with the host dwelling.
7. The proposed development's harmful effects in this regard would be exacerbated by the excessive size of the window proposed, which would render the structure more prominent, and be an incongruous and eye-catching feature compared to the proportions of window openings elsewhere in the host property and immediately adjacent buildings. Whilst conscious of the appellants' comments regarding the history of changes to the appeal dwelling, and the 'off the shelf' windows currently employed, taken together the incongruous detailing and scale of the proposed window, and the dominant scale of the mooted roof extension are not measures that would restore integrity and simplicity to this elevation.
8. Moreover, due to its prominent siting within Charles Lane, and visibility from the High Street the incongruity of the proposed development would clearly be read in the wider context of the conservation area. In views from the High Street the insensitive siting, unusual detailing and dominant scale of the proposal within its host dwelling would be a visually jarring and discordant feature in the context of other properties on Charles Lane, and interfere with the contrasts in scale and detailing between the High Street and the lane, which would be of harm to this part of the conservation area's townscape significance.

9. Whilst I note that sympathetic materials would be employed in the proposed development, and that crital windows of a light industrial aesthetic would not be unusual within a mews setting, these matters would do little to soften the visually harmful effects of the development. Though the changes to the parapet could simplify that element of the roofscape, it would also have the effect of rendering the jarring variance between the pitched roof and the extension more visible and thus would not weigh heavily in the proposed development's favour.
10. I note that a report regarding the arboricultural implications of the proposed development on the tree immediately to its rear has not been supplied by the appellants. Moreover, the development would interfere with views of the tree to a considerable degree from the High Street, to the detriment of the leafy setting that it offers. These matters, taken together, weigh against the proposed development in the overall planning balance.
11. The National Planning Policy Framework ('the Framework') at paragraph 132 establishes that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation". In this case, as its effects would be reasonably localised, the proposed development would lead to less than substantial harm to the significance of the conservation area, the designated heritage asset in question. However, less than substantial harm does not equate to less than substantial weight in the overall planning balance and the Framework makes clear, at paragraph 134, that "this harm should be weighed against the public benefits of the proposal."
12. The proposed development would create an additional bedroom, and I note the appellants' comments with regard to the imbalance between the amount of general living space and bedrooms within the property. However, whilst I am aware of a need for family dwellings generally, I am not persuaded that the creation of an additional bedroom in this case is a public benefit sufficient to outweigh the harm that the proposed development would cause to the significance of the conservation area.
13. I note that the proposed development would not infringe the privacy of the occupiers of neighbouring properties to any significant degree. Moreover, the proposals to reduce the parapet wall could have a beneficial effect on the availability of daylight to the occupants of nearby properties. However, due to the modest amount of public benefit that would be achieved, these matters only attract limited weight in the overall planning balance. Consequently, the public benefits do not outweigh the considerable weight that I attach to the harm the proposed development would cause to the significance of the conservation area.
14. Thus the harm to the significance of the St John's Wood Conservation Area would not be demonstrably outweighed by the public benefits of the proposal. Consequently, the proposed development would conflict with the policies of the Framework in this regard. Moreover, as the proposed development would cause material harm to the character and appearance of its host dwelling and the conservation area it would also run contrary to Policies S25 and S28 of *Westminster's City Plan: Strategic Policies*; Policies DES1, DES6 and DES9 of the *Westminster Unitary Development Plan*; the Audit; and the *Roofs: A Guide to Alterations and Extensions on Domestic Buildings Supplementary Planning*

Document. Taken together, and amongst other things, this guidance and policy seeks to ensure that roof alterations are sensitive to the character and appearance of their host dwellings and to the conservation area. For these reasons too, the proposed development would fail to preserve or enhance the character or appearance of the conservation area and thus would not meet the statutory requirement of section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

15. Accordingly, I conclude, for the reasons given above, and in having regard to all other matters raised, that the appeal should be dismissed.

G J Fort

INSPECTOR